

1 and CEO, is [REDACTED]  
2 [REDACTED] Is  
3 that correct?

4 A That's what this says.

5 Q [REDACTED]  
6 [REDACTED]

7 Correct?

8 A Yes.

9 Q Do you have any idea what Mr. Hill  
10 is saying?

11 JUDGE SIPPEL: Is this highly  
12 confidential? I mean, it's marked highly  
13 confidential, so it the protective order.

14 MR. KIRK: Yes, Your Honor, it  
15 deals with business plans.

16 JUDGE SIPPEL: Is there anybody  
17 here that shouldn't be hearing this?

18 BY MR. FREDERICK:

19 Q Mr. Bond, I want to just walk you  
20 through to toward the end of the document, if  
21 I could, please.

22 A Okay.

1 Q I just had a couple of questions  
2 about it.

3 JUDGE SIPPEL: Which page?

4 MR. FREDERICK: This is the page -  
5 - it's the third to the last page. The  
6 numbering on the xerox has not come through.

7 THE WITNESS: The one that says,

8 [REDACTED]

9 MR. FREDERICK: Well, no. It  
10 says, [REDACTED]

11 THE WITNESS: All right. I have  
12 it.

13 BY MR. FREDERICK:

14 Q [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 A I'm sorry, I'm reading it.

18 JUDGE SIPPEL: We've got a  
19 Blackberry alert. I plead guilty. Anybody  
20 else got one?

21 THE WITNESS: Well, I've got mine,  
22 but I turned it off.

1 JUDGE SIPPET: You turned it off?

2 Okay. I'm the one. Thank you.

3 THE WITNESS: What was your  
4 question?

5 BY MR. FREDERICK:

6 Q My question was [REDACTED]

7 [REDACTED]

8 [REDACTED] in line with this exhibit?

9 A [REDACTED]

10 [REDACTED]

11 [REDACTED]

12 [REDACTED]

13 [REDACTED] [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 Q And number two, [REDACTED]

17 [REDACTED]

18 [REDACTED] Are you aware of that

19 practice at Comcast?

20 A No, I'm not.

21 Q [REDACTED]

22 [REDACTED]

1 [REDACTED]?

2 A No, I'm not.

3 Q [REDACTED]

4 [REDACTED]

5 [REDACTED]?

6 A No.

7 Q So, the activities engaged in this  
8 exhibit are a complete mystery to you?

9 MR. TOLLIN: Objection. It says  
10 it's a plan. It doesn't say -

11 THE WITNESS: Yes, it says it's a  
12 working draft. I'm not familiar with any of  
13 these items, 2, 3, and 4. [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 [REDACTED]

17 [REDACTED]

18 BY MR. FREDERICK:

19 Q Do you agree that number two,

20 [REDACTED]

21 [REDACTED]

22 A [REDACTED]

1 [REDACTED]

2 Q [REDACTED]?

3 A [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 Q [REDACTED]

7 [REDACTED]?

8 A [REDACTED]

9 Q [REDACTED]

10 [REDACTED]

11 A Yes.

12 Q [REDACTED]

13 [REDACTED] [REDACTED]?

14 A I don't know.

15 Q [REDACTED]

16 [REDACTED] [REDACTED]?

17 A [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 Q [REDACTED]

1 [REDACTED]

2 [REDACTED]?

3 MR. TOLLIN: I object.

4 THE WITNESS: I don't think -

5 JUDGE SIPPEL: I'll sustain the  
6 objection.

7 BY MR. FREDERICK:

8 Q [REDACTED]

9 [REDACTED]?

10 A Yes.

11 Q Is that a term commonly used at  
12 Comcast?

13 A Yes.

14 Q I want to ask a few questions  
15 about CSN Philly, if I might.

16 JUDGE SIPPEL: Are we off of this  
17 document?

18 MR. FREDERICK: We're off of this  
19 document, Your Honor.

20 JUDGE SIPPEL: Okay. Thank you.

21 BY MR. FREDERICK:

22 Q Isn't it true that Comcast does

1 not make CSN Philly available to satellite  
2 providers in Philadelphia?

3 A Yes.

4 Q Isn't it true that if I'm a  
5 DirectTV subscriber in Philadelphia, I cannot  
6 watch CSN Philly?

7 A Yes.

8 Q Isn't it true that CSN Philly is  
9 valuable to Comcast?

10 A I'm sorry. Can you restate the  
11 question?

12 Q Certainly. Isn't it true that CSN  
13 Philly is valuable to Comcast?

14 A Yes.

15 Q And there's demand for CSN Philly  
16 in Philadelphia.

17 A Yes.

18 Q And, notwithstanding, that there's  
19 demand for CSN Philly in Philadelphia, it is  
20 not made available to satellite providers.

21 A Yes.

22 Q CSN Philly could have more

1 subscribers if Comcast made it available to  
2 other pay television distributors. Correct?

3 A If they took it, yes.

4 Q Comcast sacrifices viewers of CSN  
5 Philly's programming to advance cable's  
6 interests. Correct?

7 A I don't know that I would agree to  
8 that characterization.

9 Q Has it ever been brought to your  
10 attention that DirectTV would like to obtain  
11 CSN Philly's programming in Philadelphia?

12 A No, not specifically.

13 MR. TOLLIN: I object. He doesn't  
14 represent CSN Philly. He doesn't.

15 MR. FREDERICK: Mr. Tollin, you'll  
16 get your opportunity to redirect. And this is  
17 one of the top executives of Comcast  
18 Corporation, and it's strains credulity that  
19 he has never heard of the proposition that  
20 DirectTV wants to obtain carriage of CSN Philly  
21 where he lives.

22 MR. TOLLIN: What does DirectTV



1 have to do with the negotiations that are at  
2 issue in this case?

3 MR. FREDERICK: This all goes to  
4 the credibility and bias of Comcast acting  
5 against unaffiliated interests, Your Honor.  
6 That's what this case is about. The CSN  
7 Philly example, 'as Dr. Singer testified  
8 yesterday, is one of the examples of CSN and  
9 Comcast's discriminatory pattern. I'm only  
10 asking Mr. Bond, as the head of cable, whether  
11 he's aware of his principal competitor's  
12 desire to obtain programming controlled by his  
13 boss.

14 MR. TOLLIN: He is not the head of  
15 programming. He is not the head of CSNMA.

16 MR. FREDERICK: His boss oversees  
17 CSN Philly. He testified to that.

18 JUDGE SIPPEL: Mr. Burke?

19 MR. FREDERICK: Yes.

20 MR. TOLLIN: No.

21 JUDGE SIPPEL: I'm sorry?

22 MR. TOLLIN: Jeff Shell is on the

1 programming side. Okay? Mr. Bond is on the  
2 programming distribution side.

3 MR. FREDERICK: And Mr. Shell  
4 reports to Mr. Burke, and Mr. Bond reports to  
5 Mr. Burke.

6 MR. TOLLIN: Well, obviously,  
7 eventually the lines meet up at the top.

8 JUDGE SIPPEL: Right. That's the  
9 point, I think.

10 MR. FREDERICK: Yes, that is the  
11 point.

12 JUDGE SIPPEL: They do meet up at  
13 the top.

14 MR. FREDERICK: And the point is  
15 that the Comcast Corporation has made a  
16 corporate decision to discriminate against  
17 DirecTV by withholding CSN Philly programming  
18 in Philadelphia, where CSN Philly would  
19 benefit if it obtained more viewers.

20 JUDGE SIPPEL: All right. Well,  
21 that's just argument, but it does bring it  
22 into focus, the relevance of this line. But

1 you can ask the question, but -- go ahead.

2 BY MR. FREDERICK:

3 Q You've already said you're aware  
4 that CSN Philly is not available to DirecTV.  
5 Correct?

6 A Yes.

7 JUDGE SIPPEL: All right. Let's  
8 go.

9 BY MR. FREDERICK:

10 Q You don't disagree that Comcast  
11 sought to acquire the programming rights to  
12 the Washington Nationals. Correct?

13 A Yes.

14 Q The Nationals is -

15 JUDGE SIPPEL: Wait a minute.  
16 That was a double negative or something. You  
17 don't disagree, what?

18 MR. FREDERICK: I'm sorry. I'll  
19 try to word it different.

20 BY MR. FREDERICK:

21 Q You agree that Comcast sought to  
22 acquire the programming rights of the

1 Washington Nationals. Correct?

2 A Yes.

3 Q And you agree that Nationals, as a  
4 new professional sports team, coming into the  
5 marketplace made it worthwhile for Comcast to  
6 seek the Nationals telecast rights. Correct?

7 A Yes.

8 Q CSNMA's intention was to obtain  
9 the widest possible subscribership for its  
10 network. Correct?

11 A Yes.

12 Q And CSNMA wants the widest  
13 possible distribution, because that increases  
14 its revenues. Correct?

15 A Yes.

16 Q More subscribers means more  
17 affiliate fees. Correct?

18 A Yes.

19 Q And Comcast would be at a  
20 competitive disadvantage to its competitors in  
21 the marketplace if it did not carry Orioles  
22 and Nationals games. Correct?

1           A       I don't know that that's  
2 necessarily true.

3           Q       In your deposition, at page 202,  
4 Mr. Bond, I asked you the question, "And what  
5 is the relevance of a loyal sports fan base  
6 for Comcast's decision to launch a network  
7 like MASN?" And you answered, "If the only  
8 place that you can get certain content, such  
9 as Orioles games, or such as Nationals games,  
10 are on MASN, and MASN is on other  
11 distributors, but not on Comcast, it would be  
12 a competitive disadvantage to Comcast to not  
13 carry it." Are you changing your testimony  
14 today, sir?

15          A       Maybe I misunderstood your  
16 question.

17          Q       Did you understand at the  
18 deposition that if I asked you an unclear  
19 question, you could ask me to clarify the  
20 question?

21          A       No, I meant your question -- Mr.  
22 Frederick, I meant your question here today.

1 I thought you were asking me about the  
2 competitiveness of the sports network. Were  
3 you asking me about the competitiveness of the  
4 cable company?

5 Q Comcast is the cable company, is  
6 it not?

7 A I was merely confused by your  
8 question.

9 Q Let me rephrase it. Sure.

10 A That would be helpful, because I  
11 think I misunderstood it.

12 Q Comcast Cable would be at a  
13 competitive disadvantage to its competitors in  
14 the marketplace if it did not carry Orioles  
15 and Nationals games.

16 A Yes, that's correct. I  
17 misunderstood your question.

18 Q Thank you. And Comcast's  
19 competitors include DirectTV and Dish.

20 A Yes.

21 Q And Comcast's competitors also  
22 include the telephone companies, like Verizon

1 FiOS.

2 A Yes.

3 Q The competitive pressures that  
4 Comcast faces are higher if its competitors  
5 are carrying a particular network, and Comcast  
6 is not. Correct?

7 A Depending on the network, that's  
8 true.

9 Q And you would cast MASN as a  
10 competitor with CSNMA with respect to  
11 programming rights. Correct?

12 A I'm sorry. Can you restate the  
13 question?

14 Q Sure. You would characterize MASN  
15 as a competitor with CSNMA with respect to  
16 programming rights. Correct?

17 A Yes.

18 Q I want to shift to the carving off  
19 of the periphery of MASN's territory. Mr.  
20 Bond, carving off, in your mind, means Comcast  
21 would not include certain systems in a launch.  
22 Is that correct?

1           A       In the mandated launch.

2           Q       The list of systems provided by  
3 Comcast on Schedule A on August the 4th, 2006  
4 was the first opportunity that MASN  
5 representatives had to look at the system list  
6 that Comcast had prepared. Is that correct?

7           A       Yes.

8           Q       The FCC issued the Adelphia Order  
9 on July 21st, 2006. Correct?

10          A       Yes.

11          Q       And that was when Comcast knew  
12 that the arbitration condition would be part  
13 of the order. Correct?

14          A       Yes.

15          Q       On July 25th, the FCC issued an  
16 order giving MASN the option of electing  
17 arbitration, or proceeding to an ALJ with its  
18 program carriage complaint. Correct?

19          A       Yes.

20          Q       But you did not receive any  
21 specific briefings on the Adelphia Order. Is  
22 that correct?



1           A       I received the order, was  
2 summarized for me by counsel, not just for me,  
3 but for others within the company. I didn't  
4 get a specific briefing on the Adelphia Order.

5           MR. FREDERICK: Your Honor, may I  
6 approach the witness?

7           JUDGE SIPPEL: Please do.

8           MR. TOLLIN: Your Honor -

9           JUDGE SIPPEL: MASN 102, is that  
10 in?

11          MR. FREDERICK: Yes, sir. Your  
12 Honor, counsel for Comcast has requested that  
13 we take a short break.

14          MR. TOLLIN: We've been going for  
15 two hours.

16          JUDGE SIPPEL: All right. That's  
17 a reasonable request. We've been going here  
18 for about two hours. All right. Let's take  
19 a 15-minute break then. We'll be back at  
20 quarter of 12.

21          MR. TOLLIN: Thank you, Your  
22 Honor.

1                   (Whereupon, the proceedings went  
2 off the record at 11:27 a.m., and went back on  
3 the record at 11:56 a.m.)

4                   JUDGE SIPPEL:   On the record.

5                   MR. FREDERICK:   Mr. Bond, before  
6 we took a break we were talking about the  
7 Adelphia order and that it had come ou8t on  
8 July 21st, 2006.

9                   BY MR. FREDERICK:

10                Q       You were aware of that order at  
11 that time?

12                A       Yes.

13                Q       But you didn't read the order at  
14 that time?

15                A       No, I did read portions of the  
16 order that was sent to me. And I also  
17 received some summaries of the order from our  
18 lawyers.

19                Q       Okay. Were you aware that three  
20 SEC commissioners had specifically addressed  
21 the MASN-Comcast dispute in their separate  
22 statements when the Adelphia order was issued?

1 A I don't recall that specifically.

2 I know MASN was addressed in the order.

3 Q [REDACTED]

4 [REDACTED]

5 [REDACTED]

6 [REDACTED] P

7 A [REDACTED]. Not

8 other -- not outside of preparation for this

9 case. But I've seen it in preparation for

10 this case.

11 Q [REDACTED]

12 [REDACTED]

13 [REDACTED]

14 [REDACTED] P

15 A [REDACTED]

16 [REDACTED]

17 [REDACTED] P

18 Q [REDACTED]

19 [REDACTED]

20 [REDACTED]

21 [REDACTED] P

22 A [REDACTED]

1 [REDACTED]. I've seen the email that I think  
2 you're referring to, but I wasn't aware of the  
3 discussions.

4 MR. FREDERICK: Okay. Your  
5 Honor, before the break we tendered MASN  
6 Exhibit No. 102 to Mr. Bond, and it's been  
7 distributed to counsel. And you have your  
8 copy, Your Honor.

9 BY MR. FREDERICK:

10 Q [REDACTED]  
11 [REDACTED] [REDACTED]  
12 [REDACTED]?

13 A [REDACTED]  
14 [REDACTED] [REDACTED]  
15 [REDACTED]  
16 [REDACTED].

17 Q [REDACTED]  
18 [REDACTED]  
19 [REDACTED]?

20 A [REDACTED]  
21 [REDACTED]  
22 [REDACTED]

1 [REDACTED]

2 Q [REDACTED]

3 [REDACTED]

4 A [REDACTED]

5 Q [REDACTED]

6 [REDACTED]

7 A [REDACTED]

8 Q [REDACTED]

9 [REDACTED]

10 [REDACTED]

11 A [REDACTED]

12 Q [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]

16 A [REDACTED]

17 [REDACTED] [REDACTED]

18 [REDACTED] [REDACTED]

19 [REDACTED] [REDACTED]

20 [REDACTED]

21 [REDACTED]

22 [REDACTED]

1 [REDACTED]

2 [REDACTED] [REDACTED]

3 [REDACTED].

4 Q [REDACTED] [REDACTED]

5 [REDACTED]

6 [REDACTED]?

7 A [REDACTED].

8 Q [REDACTED]

9 [REDACTED]

10 [REDACTED]?

11 A [REDACTED].

12 Q [REDACTED]

13 [REDACTED]

14 [REDACTED]

15 [REDACTED]?

16 A [REDACTED].

17 Q Now later that day, on July the  
18 25th, MASN's counsel transmitted a term sheet  
19 to Comcast counsel and sought to begin  
20 negotiations, correct?

21 A I don't know, Mr. Frederick,  
22 exactly when it was sent. But in this time

1 period they sent us a term sheet.

2 Q You wouldn't dispute me, would  
3 you, Mr. Bond, that there are documents in the  
4 record to reflect that that occurred on July  
5 25th, 2006, would you?

6 A No, I'm not disputing that.

7 Q [REDACTED]  
8 [REDACTED]  
9 [REDACTED]  
10 [REDACTED]  
11 [REDACTED]?

12 A [REDACTED]  
13 [REDACTED].

14 Q Do you have independent knowledge  
15 of that fact?

16 A No.

17 Q David Cohen reports directly to  
18 the chairman of Comcast, correct?

19 A Yes.

20 Q The chairman of Comcast and CEO is  
21 Mr. Brian Roberts; correct?

22 A Yes.

1 Q David Cohen does not report to  
2 Steve Burke, correct?

3 A Correct.

4 Q Steve Burke is your boss, correct?

5 A Yes.

6 Q [REDACTED]

7 [REDACTED]

8 [REDACTED]

9 [REDACTED]

10 [REDACTED]?

11 A [REDACTED].

12 Q But you are not aware of that  
13 conversation; is that your testimony?

14 A Yes.

15 MR. FREDERICK: May I approach  
16 the witness, Your Honor?

17 JUDGE SIPPEL: You may.

18 MR. FREDERICK: Your Honor, this  
19 is in evidence.

20 JUDGE SIPPEL: MASN Exhibit No.

21 103 is in evidence. [REDACTED]

22 [REDACTED]



1 [REDACTED]

2 BY MR. FREDERICK:

3 Q [REDACTED]

4 [REDACTED]?

5 A [REDACTED]

6 Q And your boss, Mr. Steve Burke,  
7 correct?

8 A Yes.

9 Q And at your deposition I asked you  
10 about this document, did I not?

11 A Yes.

12 Q And you testified in your  
13 deposition that you did not recall receiving  
14 this document?

15 A Yes, that's correct.

16 Q In the intervening time since your  
17 deposition, and having an opportunity to  
18 reflect on this document, has your memory been  
19 refreshed as to receiving this information?

20 A No, I don't recall it.

21 Q Okay, not if -- could you read the  
22 email, please, it's a very short email, into

1 the record for the benefit of the Court?

2 A Yes. Per your question earlier  
3 this week, MASN's territory would be

4 [REDACTED] bigger than CSN

5 Mid-Atlantic's territory primarily due to

6 North Carolina. [REDACTED]

7 [REDACTED].

8 Q [REDACTED]

9 [REDACTED]?

10 A [REDACTED]

11 Q [REDACTED]?

12 A [REDACTED].

13 Q [REDACTED]

14 [REDACTED]

15 [REDACTED]?

16 A [REDACTED].

17 Q [REDACTED]

18 [REDACTED]

19 [REDACTED]?

20 A [REDACTED] [REDACTED]

21 [REDACTED] [REDACTED]

22 [REDACTED].